

AMENDED IN SENATE JUNE 23, 2010

AMENDED IN SENATE JUNE 16, 2010

AMENDED IN ASSEMBLY APRIL 26, 2010

AMENDED IN ASSEMBLY MARCH 24, 2010

AMENDED IN ASSEMBLY MARCH 15, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1809

Introduced by Assembly Member Smyth

February 10, 2010

An act to add Chapter 9.4 (commencing with Section 7199.5) to Division 3 of the Business and Professions Code, relating to home inspections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1809, as amended, Smyth. Home inspections: energy audits.

Existing law provides that it is the duty of a home inspector, as defined, who is not licensed as a general contractor, structural pest control operator, or architect, or registered as a professional engineer, to conduct a home inspection, as defined, with the degree of care that a reasonably prudent home inspector would exercise. Existing law provides that a home inspection may include an inspection of energy efficiency, if requested by the client. Under existing law, a home inspection report is a written report consisting of specified information that is prepared for a fee and is issued after a home inspection.

Existing law requires the State Energy Resources Conservation and Development Commission (Energy Commission) to establish specified

standards related to a statewide home energy rating program for residential dwellings, known as the Home Energy Rating System (HERS)-~~program~~ *Program*.

This bill would authorize a home inspection to include, if requested by the client, ~~an inspection of energy efficiency or be accompanied by a HERS home energy audit. If the client requests a HERS home energy audit, the bill would require that HERS audit accompanying any home inspection report to comply with certain standards that meets the requirements of the HERS regulations established by the commission.~~ The bill would declare the intent of the Legislature that a HERS audit may, at the request of the client, be performed during escrow by a home inspector who ~~is HERS-certified~~ *meets the requirements of the HERS regulations*.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 9.4 (commencing with Section 7199.5)
2 is added to Division 3 of the Business and Professions Code, to
3 read:

4
5 CHAPTER 9.4. HOME ENERGY RATING SYSTEM (HERS) HOME
6 INSPECTIONS
7

8 7199.5. (a) All home inspections, including those defined in
9 paragraph (1) of subdivision (a) of Section 7195, may, if requested
10 by the client, ~~include an inspection of energy efficiency or be~~
11 accompanied by a Home Energy Rating System (HERS) California
12 home energy audit pursuant to *regulations adopted by the Energy*
13 *Commission in compliance with* Section 25942 of the Public
14 Resources Code.

15 (b) If the client requests a HERS California home energy audit
16 ~~pursuant to Section 25942 of the Public Resources Code~~, the HERS
17 California home inspection report accompanying any home
18 inspection report defined in subdivision (c) of Section 7195 shall
19 comply with the standards *and requirements* established by the
20 Energy Commission for HERS California home energy audits *as*
21 *specified in Article 8 (commencing with Section 1670) of Chapter*

1 *4 of Division 2 of Title 20 of the California Code of Regulations,*
2 *implementing the California Home Energy Rating System Program.*
3 7199.7. It is the intent of the Legislature that a Home Energy
4 Rating System (HERS) California home energy audit may, at the
5 request of the client, be performed during escrow by a home
6 inspector who ~~is HERS-certified~~ *meets the requirements of Article*
7 *8 (commencing with Section 1670) of Chapter 4 of Division 2 of*
8 *Title 20 of the California Code of Regulations.*

10
11 CORRECTIONS:

12 Text—Page 3.
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